REMARKS

Claims 1, 4, 6, and 8-20 are pending in the present Application. Claims 10-18 are withdrawn, Claim 1 has been amended, and Claims 19 and 20 have been canceled, and no claims have been added, leaving Claims 1, 4, 6, 8, and 9 for consideration upon entry of the present Amendment.

Amendments to Claims

Claim 1 has been amended to include the limitations of Claim 19, canceled herewith, in which (2m-n+4) as applied to Chemical Formula 1 limits the amount of hydrogen in the hydrosilane oligomer to be an integer of 1 to 43; and to include the limitations of Claim 20, canceled herewith, in which (2y-x) as applied to Chemical Formula 3 limits the amount of hydrogen in the hydrosilane oligomer to be an integer of 1 to 17. Claim 1 has also been amended to include the limitations in which (2l-k) as applied to Chemical Formula 2 limits the amount of hydrogen in the hydrosilane oligomer to be an integer of 1 to 17, support for which can be found in the limitations of Claim 20 as applied to analogous Chemical Formula 3, and in the Specification as filed, and further that these values for defining the amount of H substituent are intrinsic to and required by the structures of Chemical Formulas 1-3 as originally filed, based on the number of siloxane repeating units m, l, and y (in Chemical Formulas 1, 2, and 3, respectively), and the tetravalent nature of silicon atom subunits as understood by the practitioner in the art.

Allowable Subject Matter

Applicants wish to acknowledge the Examiner's indication that the pending non-withdrawn claims are apparently allowable, and if so, to thank the Examiner for the indication of allowable subject matter in Claims 1, 4, 6, 8, 9, 19, and 20. In view of the amendments above, all of which derive from currently pending claims or from intrinsic limitations of the Chemical Formulas 1-3, Applicants believe that the indefiniteness rejections addressed below should be fully addressed and all of these claims should be fully allowable, including over any art previously cited and addressed in the prior Response filed on April 20, 2009, which

rejections the Examiner appears to have withdrawn, as such rejections have not been repeated in the present rejection. Should Applicants have misunderstood the Examiner with regard to the allowability of the claims, Applicants respectfully request the courtesy of an interview to resolve any outstanding issues pending consideration of the above amendments and the below remarks.

Reconsideration and allowance of the claims are therefore respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1, 4, 6-9, and 19-20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, it is alleged in the Office Action dated May 11, 2009 that it is unclear to the Examiner what limitations are being applied as the definitions of Chemical Formulas 1-3 allegedly do not hold in the following circumstances: where n is 20 and m is 1 in Formula 1; where k is 10 and l is 3 in Chemical Formula 2, and where x is 10 and y is 3 in Chemical Formula 3; and how Chemical Formula 1 can be a hydrosilane when m is 1.

It will be appreciated that substituents R^1 and H in Chemical Formula 1, R^2 and H in Chemical Formula 2, and R^3 and H in Chemical Formula 3, are a semi-empirical formulaic representation of the substituents present in their respective Chemical Formulas 1-3 without regard to specific disposition on the structures of Chemical Formulas 1-3.

With regard to Chemical Formula 1, which is defined by the limitations of Claim 19, canceled herewith, the total number of substituents R^1 and H is defined by variables n and $(2m-n+4)$ respectively, where these variables are interdependent with the siloxane chain length defined by variable m. Because of the interrelatedness of the substituents R^1 (which cannot be less than 1 or greater than 20) and H (which cannot be less than 1 or greater than 43), and their dependence on siloxane chain length m (which cannot be less than 1, or greater than 20), it will be appreciated that *successful* numerical combinations of SiO subunits and R^1 and H substituents for Chemical Formula 1 must meet all requirements of n and m being an

integer from 1-20, and that (2m-n+4) must be an *integer* of 1-43, as claimed. Note that these are positive integers, and that some combinations of these variables can produce unusable values of m, n, and (2m-n+4) (e.g., where 2m-n+4 is 1 and m is 20, n would be 43 which is not acceptable based on this test). It will be appreciated that it would therefore not be possible to *randomly* fix *both* an m *and* n value *and expect* the selected values to meet the requirement of 2m-n+4 being equal to an integer of 1 to 43; nor would it be practicable to evaluate and claim each specific combination of m and n to meet the requirements of 1 to 43 for 2m-n+4. However, because certain combinations of m and n meet the limitation of 2m-n+4 being an integer of 1 to 43, Applicants believe the boundary conditions of amended Claim 1 that are set by m and n of 1to 20, and further clarified by the test of 2m-n+4 being 1 to 43, will adequately and fully define a basis for determining combinations of these variables that may be used, i.e., for defining all combinations of values that *successfully* meet the claimed requirements of m, n, and 2m-n+4 = 1 to 43, to provide a valid representation of Chemical Formula 1. Therefore, by introducing the limitation of 2m-n+4 of 1 to 43 to define the required interrelation of variables m and n, Applicants believe Chemical Formula 1 is no longer indefinite as a clear basis for determining workable combinations of these variables is included.

Similarly with regard to Chemical Formula 3, which is defined by the limitations of Claim 20, canceled herewith, the total number of substituents R^3 and H is defined by variables x and (2y-x) respectively, where these variables are interdependent with the cyclic siloxane chain length defined by variable y. Because of the interrelatedness of the substituents R^3 (which cannot be less than 3 or greater than 10) and H (which cannot be less than 1 or greater than 17), and their dependence on siloxane chain length y (which cannot be less than 3, or greater than 10), it will be appreciated that *successful* numerical combinations of SiO subunits and R^3 and H substituents for Chemical Formula 3 must meet all requirements of x and y being an *integer* from 3 o 10, and that (2y-x) must be an *integer* of 1 to 17, as claimed. Note that these are positive integers, and that some combinations of these variables can produce unusable values of x, y, and (2y-x) (e.g., where 2y-x is 1 and l is 3, x would be 19 which is not acceptable based on this test). It will be appreciated that it would therefore not be possible to *randomly* fix *both* a y *and* x value *and expect* the selected values to meet the requirement of

2y-x being equal to an integer of 1 to 17; nor would it be practicable to evaluate and claim each specific combination of y and x to meet the requirements of 1 to 17 for 2y-x so as to define Chemical Formula 3. However, because certain combinations of y and x do meet the limitation of 2y-x being an integer of 1 to 17, Applicants believe the boundary conditions of amended Claim 1 that are set by a y and x of 3 to 10, and further clarified by the test of 2y-x being 1 to 17, will adequately and fully define a basis for determining combinations of these variables that may be used, i.e., for defining all combinations of values that *successfully* meet the claimed requirements of y, x,, and 2y-x = 1 to 17, to provide a valid representation of Chemical Formula 3. Therefore, by introducing the limitation of 2y-x of 1 to 17 to define the required interrelation of variables y and x, Applicants believe Chemical Formula 3 is no longer indefinite as a clear basis for determining workable combinations of these variables is included.

In addition, Chemical Formula 2, so amended in Claim 1 to define the number of H substituents and the interrelation of variables l and k as 2l-k having an integer value of 1 to 17, should also now be definite by the above reasoning for Chemical Formula 3, which is directly analogous based on the definition of corresponding variables l and y, x and k, and 2l-k and 2y-x, respectively.

In view of the above-described amendments and supporting arguments, Applicants therefore respectfully submit that Claim 1 and its dependents are no longer indefinite. It is noted in *Metabolite Labs., Inc. v. Lab. Corp. of Am. Holdings*, 370 F.3d 1354, 1366, 71 USPQ2d 1081, 1089 (Fed. Cir. 2004) that "[t]he requirement to 'distinctly' claim means that the claim must have a meaning discernible to one of ordinary skill in the art when construed according to correct principles...Only when a claim remains insolubly ambiguous without a discernible meaning after all reasonable attempts at construction must a court declare it indefinite." As amended, Claim 1 provides as "correct principles" the aforementioned definitive and unambiguous defined variables for discerning positively claimed compounds encompassed by the structures of Chemical Formulas 1-3, where any combination of variables failing any one variable test may not be considered a claimed combination.

As to the further rejection of Chemical Formula 1, it is understood by practitioners

skilled in the art that a hydrosilane includes a hydrogen and silicon bond analogous to an alkyl carbon-hydrogen bond. It is also noted by Applicants that Applicant may be his or her own lexicographer. Hence, Chemical Formula 1 may represent a hydrosilane when m is at least 1, as would be understood by the skilled practitioner from exemplary semiempirical formulae including $CH_3Si(OSi)H_5$ (which may also be represented as CH_3SiH_2-O-SiH_3), $CH_3Si(OSi)_2H_7$, and so on. Based on such a definition in which the above exemplary compounds include hydrosilane functionality, and the claimed limitation that hydrosilane oligomer is oxidized, Applicants further assert that one skilled in the art would readily discern the meaning of the claim when construed in light of the "correct principle" of the actual claimed structure of Chemical Formula 1, and therefore Claim 1 cannot be considered to be "insolubly ambiguous" as the principles of what is claimed are clearly defined in this structure. *Id.*

Accordingly, for at least the above reasons, Claim 1 should now be acceptable to the Examiner. Reconsideration and withdrawal of the rejection of Claim 1, and its dependent Claims 4, 6, 8, and 9 (where Claims 19 and 20 are canceled) is respectfully requested.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

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Respectfully submitted,

CANTOR COLBURN LLP

By   /Dana A. Gronbeck/
     Dana A. Gronbeck
     Registration No. 55,226
     Confirmation No. 6337
     CANTOR COLBURN LLP
     20 Church Street, 22nd Floor
     Hartford, CT 06103
     Telephone (860) 286-2929
     Facsimile (860) 286-0115
     Customer No.: 23413

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